

A Bill for an Act Relating to Workers' Compensation Medical Benefits.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that in the course of duty, firefighters are exposed to contaminants known or suspected to cause cancer. Although fire departments use the best equipment and management practices available, firefighters are regularly exposed to multiple carcinogens since residential and vehicular fires release highly concentrated toxicants from burning plastics and other synthetic materials. In October 2013, researchers from the National Institute for Occupational Safety and Health published a study finding that firefighters have a higher risk for cancer than the general population. The study reviewed cancer diagnoses and deaths among thirty thousand firefighters from the Chicago, Philadelphia, and San Francisco fire departments and found that oral cancer and cancers of the respiratory, digestive, and urinary systems were the most common diagnoses.

The legislature further finds that H.C.R. No. 32, H.D. 1, S.D. 1, regular session of 2016, convened a task force to examine issues pertaining to cancer in the firefighting profession. The task force found that some states, including Arizona, California, Nevada, North Dakota, and Virginia, have statutorily provided for special benefit programs for firefighters diagnosed with cancer due to the higher occupational risk they assume in the performance of their duties.

The legislature believes that providing sufficient workers' compensation coverage for firefighters will ensure that firefighters receive proper medical treatment in a timely manner while reducing the emotional toil, financial burden, and impact of a decreased quality of life on firefighters diagnosed with cancer and their families.

The purpose of this Act is to address medical claims and include an expanded list of target organs as identified in the University of Cincinnati study. The legislature notes that this Act does not create any new benefits or enhance the existing benefits available to firefighters. Rather, this Act improves firefighters' access to comprehensive medical coverage while addressing medical coverage for specific organs affected by diseases arising out of and in the course of their employment.

SECTION 2. Chapter 386, Hawaii Revised Statutes, is amended by adding two new sections to part II, subpart A, to be appropriately designated and to read as follows:

“§386- Medical care, services, and supplies for controverted claims. In the event of a controverted claim, the injured employee's private health care plan shall pay for or provide medical care, services, and supplies in accordance with the private health care contract. When the claim is accepted or determined to be compensable, the employer shall reimburse the private health care plan and the injured employee in amounts as authorized by this chapter and rules adopted by the director.

§386- Medical care, services, and supplies for firefighters suffering from cancer. If a claim for leukemia, multiple myeloma, non-Hodgkin lymphoma, or cancer of the lung, brain, stomach, esophagus, intestines, rectum, kidney, bladder, prostate, or testes filed by an employee with five or more years of service as a firefighter is accepted or determined to be compensable, section

386-21 shall remain applicable; provided that the employer shall be liable for medical care, services, and supplies for a minimum of one hundred ten per cent, and not to exceed one hundred fifty per cent of fees prescribed in the Medicare Resource Based Relative Value Scale applicable to Hawaii as prepared by the United States Department of Health and Human Services.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved July 5, 2018.)

Note

1. Edited pursuant to HRS §23G-16.5.